

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Servants – Revenue (Endowments) Department - Allegation of Corruption against Sri S.Raghuramaiah, former Junior Assistant (now retired) Office of the Assistant Commissioner of Endowments Department, Anantapur – Prosecution orders issued – Judgement pronounced – Acquitted – Treating the Suspension Period from 25.09.1995 to 11.05.2000 and Dismissal Period from 12.05.2000 to 31.10.2008 - Regularised as “**NOT ON DUTY**” under F.R. 54 (4) and (5) as amended in G.O.Ms.No.307, Finance Department, Dated:03.12.2012 – Orders - Issued.

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REVENUE (VIG.IV.3) DEPARTMENT

G.O.Ms.No. 196

Dated:18.04.2013.

Read the following:-

- 1) From the D.G., A.C.B., Hyd., Lr.Rc.No.71/RCT-ATP/95, Dt:14.09.1995.
- 2) From C.E.D., Lr.No.E4/50955/95, Dt:16.10.1995.
- 3) From the D.G., ACB., Hyderabad Lr.No.71/RCT-ATP/95, Dt:08.03.1996.
- 4) G.O.Ms.No.546, Revenue (Endts.I) Department., Dt:06.07.1996.
- 5) Judgment dt.25.11.1999 in C.C.No.11/1996 of Addl. Special Judge for SPE & A.C.B. Cases, Hyderabad.
- 6) From D.C.E.D., Kurnool Rc.No.A1/6078/95-Estt. Dt:10.05.2000.
- 7) From the Dy. Registrar, Hon'ble A.P. High Court, Hyderabad Orders dt:11.08.2005 in Criminal Appeal.No.1922/1999.
- 8) From the Asst., Registrar, Hon'ble Supreme Court of India, Orders dt:12.11.2008 in Criminal Appeal.No.1779/2008.
- 9) From the Joint Registrar, Hon'ble A.P. High Court, Hyderabad Orders dt:15.06.2009 in Criminal Appeal.No.1922/1999.
- 10) Govt.,Memo.No.6158/Vig.IV.1/2001-16.,Dt: 27.11.2009
- 11) From the D.G., ACB., Lr.Rc.No.71/RCT-ATP/95-S14, Dt.10-12-2009.
- 12) From the Dy. Registrar, A.P.A.T., Hyderabad, Order, Dt:25.08.2010 in O.A.No.240/2010 with VMA.No.1031/2010 & CA.No.520/2010.
- 13) From the D.G., A.C.B., Lr.Rc.No.71/RCT-ATP/95-S14, Dt.10-04-2012.
- 14) From C.E.D., Lr.No.V1/41583/2009, Dt:10.12.2010.
- 15) From the Asst., Registrar, Hon'ble A.P. High Court, Hyderabad Orders dt:03.10.2012 in W.P.No.31187/2010
- 16) Govt.,Memo.No.6158/Vig.IV.3/2001-31.,Dt: 12.11.2012
- 17) Representation dt:27.11.2012 of Sri S.Raghuramaiah, Junior Assistant (Retired)

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ORDER:

In the reference 1st read above, it has been reported by the Competent Investigating Agency that Sri S.Raghuramaiah, while working as Junior Assistant, Office of the Assistant Commissioner of Endowments Department, Anantapur, was trapped on 01.09.1995 by the Anti Corruption Bureau, when he demanded and accepted an illegal gratification of Rs.3,000/- from the complainant Sri S.Muneppa, for furnishing particulars of lands relating to

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Endowments Department. Subsequently, the Deputy Commissioner of Endowments Department, Kurnool has placed the Accused Officer under Suspension with effect from 25-09-1995. After completion of investigation, the Director General, Anti Corruption Bureau, Hyderabad has furnished final report duly recommending to prosecute the Accused Officer in a court of law through the reference 3rd read above.

2. In the reference 4th read above, the Government had issued prosecution orders to the Accused Officer i.e., Sri S.Raghuramaiah, while working as Junior Assistant, Office of the Assistant Commissioner of Endowments Department, Anantapur for the allegations of demand and acceptance of bribe. The Charge Sheet was filed on 12.08.1996 in C.C.No.11/96.

3. In the reference 5th read above, the Addl. Special Judge for SPE & A.C.B. Cases, Hyderabad in his Judgment dt:25.11.1999 in C.C.No.11/1996 convicted the Accused Officer Sri S.Raghuramaiah, Junior Assistant (under Suspended), Office of the Assistant Commissioner of Endowments Department, Ananthapur was guilty of the charges under Section 7 and 13 (1) (d) read with 13 (2) of Prevention of Corruption Act, 1988 and convicted the Accused Officer Under Section 248 (2) of Cr.P.C and sentenced him to undergo rigorous imprisonment for one year and also to pay a fine of Rs.1000/-. The Accused Officer was also sentenced to undergo simple imprisonment for three months and to pay a fine of Rs.1000/- u/s 13(1)(d) read with Sec.13 (2) of Prevention of Corruption Act, 1988.

4. In the reference 6th read above, Sri S.Raghuramaiah, formerly Junior Assistant, Office of the Assistant Commissioner of Endowments Department, Anantapur was dismissed from service as he was convicted by the Addl. Special Judge for SPE & A.C.B. Cases, Hyderabad.

5. Aggrieved by the judgment of the Addl. Special Judge for SPE & A.C.B. Cases, Hyderabad Sri S.Raghuramaiah, Junior Assistant, (Dismissed) has approached the Hon'ble High Court of Andhra Pradesh and filed Criminal Appeal No.1922 of 1999 and the same was dismissed and confirmed the orders of the conviction passed by the Trial Court, by the Hon'ble Andhra Pradesh High Court in the reference 7th read above.

6. Sri S.Raghuramaiah, Junior Assistant (Dismissed) has filed Special Leave Petition (Criminal.No.4885/2006) in the Hon'ble Supreme Court of India against the order of the Hon'ble A.P. High Court. In the reference 8th read above, the Hon'ble Supreme Court of India remanded back the case to the Hon'ble High court of A.P. vide Judgement dt:12.11.2008 in Criminal Appeal No. 1779/ 2008.

7. In the reference 9th read above, the Hon'ble A.P. High Court has acquitted Sri S.Raghuramaiah, Junior Assistant (Dismissed) and allowed the Criminal Appeal No.1922/1999 on 15.06.2009.

8. In the reference 10th read above, the Director General, Anti Corruption Bureau was permitted to file Special Leave Petition in the Hon'ble Supreme Court of India against the judgment of Hon'ble High Court of Andhra Pradesh issued in the reference 9th read above. Accordingly, the Director General, Anti Corruption Bureau has filed Special Leave Petition in the Hon'ble Supreme Court of India.

9. Meanwhile, Sri S.Raghuramaiah, Junior Assistant (Dismissed) has approached the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad by filing O.A.No.240 of 2010 with a prayer to regularize his suspension period from 25-09-1995 to 11-05-2000 and period of dismissal from service from 12-05-2000 till date of his age of superannuation i.e, 31-10-2008 as on duty and allow consequential benefits in view of the judgment of Hon'ble Supreme Court and Hon'ble High Court on 12-11-2008 and 15-6-2009 respectively.

10. In the reference 12th read above, the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad in its orders dt:25.08.2010 in O.A.No.240 of 2009 with VMA.No.1031/2010 & CA.No.520/2010 has directed to regularize the period of suspension from 25-09-1995 to 11-05-2000 and the period of dismissal from 12-05-2000 to 31-10-2008 as on duty and allow all consequential benefits including arrears of pay and allowances as notionally fixed from time to time along with service benefits of seniority, promotion, etc., for the period upto 31-10-2008 and after 31-10-2008, as the applicant retired from service on 31-10-2008, fix the pension and pensionary benefits of the applicant and also pay the arrears.

11. In the reference 13th read above, the Director General, Anti Corruption Bureau, Hyderabad has informed that the Special Leave Petition No.548 of 2011 filed by the Bureau in Supreme Court of India on the acquittal orders of the Hon'ble A.P. High Court in Criminal Appeal No.1922/1999 Dt:15.06.2009 against Sri S.Raghuramaiah, former Junior Assistant, Office of the Assistant Commissioner of Endowments Department, Anantapur is dismissed by Hon'ble Supreme Court of India on 08.02.2012

12. In the reference 14th read above, the Commissioner of Endowments Department, Hyderabad has informed that the Deputy Commissioner of Endowments Department, Kurnool has filed W.P.No.31187 of 2010 against the orders of Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad in O.A.NO.240 of 2010. In the reference 15th read above, the Hon'ble A.P. High Court in its orders dt:03.10.2012 in W.P.No.31187/2010 has set-aside the impugned order passed by the Tribunal so as to enable the petitioners to pass appropriate orders with regard to the regularization of the period of suspension as well as the period of dismissal from 12.05.2000 till the date of superannuation and also directed to make a representation to the petitioners within 10 days from the date of receipt of a copy of this order and on such a representation being made by the applicant, the petitioners herein shall pass appropriate orders thereon in accordance with law and as indicated in Rule 54 of the Fundamental Rules and Rule 9 of the A.P. Revised Pension Rules, 1980 after affording opportunity of hearing to the applicant, within a period of eight weeks thereafter.

13. Accordingly, Government vide reference 16th read above, requested the Sri S.Raghuramaiah, Junior Assistant (Dismissed), to attend in person for hearing at 12.00 Noon on 27.11.2012 before the Government and hearing was held on 27.11.2012 and the petitioner argued and submitted his further representation vide reference 17th read above.

14. The Government after detailed examination of the matter, keeping in view the directions of Hon'ble High Court of Andhra Pradesh in the case and the representation filed by Sri S.Raghuramaiah, Junior Assistant (Dismissed), hereby treat the Suspension Period from 25.09.1995 to 11.05.2000 and Dismissal Period from 12.05.2000 to 31.10.2008 of Sri S.Raghuramaiah, Junior Assistant, (Dismissed & Retired) as "**NOT ON DUTY**" on the principle of "**No Work No Pay**" under F.R. 54 (4) and (5) as amended in G.O.Ms.No.307, Finance Department Dated: 03.12.2012, as the suspension cannot be treated as 'wholly unjustified'.

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15. The Commissioner, Endowments Department, Andhra Pradesh, Hyderabad shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.G.GOPAL,
PRINCIPAL SECRETARY TO GOVERNMENT

To
S.Raghuramaiah, Junior Assistant, (Retired)
O/o Assistant Commissioner of Endowments Department, Ananthapur.
{**through** the Commissioner of Endowments Department, A.P, Hyderabad}.

The Commissioner, Endowments Department, A.P., Hyderabad,
(with a request to serve the copy to the individual and send the served copy to Government)

Copy to :-

The Director General,
Anti-Corruption Bureau, Hyderabad.

The Secretary to Vigilance Commission,
A.P. Vigilance Commission, A.P. Secretariat, Hyderabad.

The Deputy Commissioner of Endowments Department, Kurnool.
The Assistant Commissioner of Endowments Department, Ananthapur.
The O.S.D.to Minister (Endts).
The P.S to Prl. Secretary to Endowments.
S.c./ S.f.

// FORWARDED BY :: ORDER //

SECTION OFFICER